

REMARKS

Applicant replies to the Office Action dated March 12, 2012 within two months. Claims 1-12, 18-19, 21-22 and 26-33 are pending in the present Office Action. Claims 1, 8, 18-19, 21-22, 26 and 30 are independent. Applicant asserts that the application is in condition for allowance and reconsideration of the pending claims is requested.

The Examiner rejects claims 1-12, 18-19, 21-22 and 26-33 under 35 USC 102(e) as being anticipated over Hwang et al. (US 2004/0246851). Applicant respectfully traverses.

In reply to the previous Official Action, the following feature was amended into each of the independent claims:

"...the first file structure including metadata describing a first user file of the first information...the second file structure including metadata describing a second user file of the second information..."

In the outstanding Office Action, the Examiner alleges that the above feature is disclosed by Hwang et al. Applicant respectfully disagrees on this point. In particular, it appears that the Examiner sets forth the following corresponding relationships between the elements of Hwang et al. and the claimed invention:

Hwang et al.	Claimed Invention
Defect area	First file structure
Defect area state information	Metadata of first file structure
Spare area	Second file structure
Size information of spare area	Metadata of second file structure

However, Applicant strongly asserts that in Hwang et al., the defect/spare areas (claimed "file structure") are stored in **different** areas than the state/size information (claimed "metadata"), which is in direct contradiction with the claimed invention.

Applicant asserts that para. [0071]-[0072] of Hwang et al. clearly describes that the state information of the defect area is included in the TDFL, which according to para. [0062] is part of the **TDMA or DMA**. Similarly, Applicant asserts that figure 7 shows that the size information of the spare area is stored in the TDML, which according to para. [0063] is part of the **TDMA or DMA**.

In contrast, Applicant asserts that para. [0101] of Hwang et al. clearly describes that the defect area is designated from part of the user data area, which is **different from the TDMA or DMA**. Similarly, Applicant asserts that fig. 4 of Hwang et al. clearly shows that the spare area is **different from the TDMA or DMA**. Accordingly, Applicant strongly asserts that Hwang et al. fails to disclose the feature wherein **the first and second file structures include their respective metadata**. The defect/spare areas of Hwang et al. are in entirely different areas of the recording medium than the defect/spare information, and therefore cannot correspond to the claimed file structures and metadata. Thus, Applicant submits Hwang et al. does not teach or suggest all of the claimed limitations.

In view of the above, Applicant respectfully submits the Examiner has failed to set forth sufficient basis for an anticipation rejection, and thus the outstanding rejections should be withdrawn. Further, since the Applicant's arguments are based on deficiencies in the Examiner's position, Applicant respectfully submits no substantive reconsideration is required and thus no RCE needs to be filed at this time. On this basis, Applicant respectfully requests allowance of the subject application.

The dependent claims variously depend from the independent claims 1, 8, 18-19, 21-22, 26 and 30, so Applicants assert that the dependent claims are differentiated from the cited art for the same reasons as set forth above, in addition to their own unique features.

In view of the above remarks and amendments, Applicants respectfully submit that all pending claims properly set forth that which Applicants regard as their invention. Accordingly, the Commissioner is authorized to charge any fees due to Deposit Account No. 19-2814, including extension of time fees, if needed.

Respectfully submitted,



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